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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/025,397 02/25/93 VON KOHORN

H 104-8605641A

EXAMINER

HSIA, S

26M2/1027

ART UNIT

PAPER NUMBER

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06430

12

2602

DATE MAILED:

10/27/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 7-25-94 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474..
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-191 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-191 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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1. Applicant's election with traverse of species of Fig. 32 in paper No. 10 is acknowledged. It is agreed that all of the claims 1-191 do read on Fig. 32. If applicant cautiously adds the additional claims, those claims also must read on Fig. 32.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. Claims 1-191 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 11, 13, 20, 26, 30, 31, 36 and 40, before "local" and "members", -- the -- should be inserted.

Claim 1 is confusing because there is no structural cooperative relationship between the claimed means for providing an instructional signal and other elements in the claim.

In claim 2 line 3, before "responses" and "members", -- the - - should be inserted.

In claim 3 lines 1-2, "further comprising a plurality of telephone hubs" should be deleted.

In claim 7 line 3, before "response", -- the -- should be inserted.

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In claim 9 lines 3 and 4, before "response", -- the -- should be inserted and "an" should be -- the --.

In claim 10 line 3, before "network", -- the -- should be inserted, line 7, "the scoring criteria" lacks proper antecedent basis.

In claim 12 and 26 line 4, "network" should be deleted.

In claim 13 and 27 line 3, before "network", -- the -- should be inserted.

In claims 15 and 29 line 4, and claim 17 line 5, before "response", -- the -- should be inserted.

In claim 18 line 4, after "of", -- the -- should be inserted.

In claim 23 lines 3 and 4, before "response", -- the -- should be inserted and after "with", "an" should be -- the --.

In claim 24 line 3, before "network", -- the -- should be inserted, lines 7, 11 and 12, "the scoring criteria", "said network means" and "said base stations" lack proper antecedent basis.

In claim 32 line 6, "the local programs" lacks proper antecedent basis, line 8, before "local", -- the -- should be inserted, lines 10, 14, 17, 20, 23, 26 and 31, before "members" and "segments", -- the -- should be inserted, line 21, both "a" should be -- the --, and line 31, "an" should be -- the --.

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Claim 32 is confusing because there is no structural cooperative relationship between the claimed means for providing a response criteria and other elements in the claim.

The claims are replete with defects, for example, lack of antecedent basis, indefiniteness (for example, using the term "may differ", "their", "its", "such as"), too numerous to mention specifically. Claims 33-191 should be revised carefully.

Examples of some of such defects are mentioned above. Further, for example, in claim 93 "a central location" was mentioned in claim 60, not in claims 54 and 55. Therefore, the dependency should be checked carefully in multiple dependent claims for proper antecedent basis.

Applicant should check all the terms in the claims for proper antecedent basis and for proper usage of wordings.

4. Claims 1-191 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

5. The prior art cited in PCT search report does not teach a system and method for attracting large audiences to program disseminating stations including disseminating programs from a plurality of stations, inserting different questions at different times in different ones of the programs, receiving the questions by the audiences at different times, answering the questions, determining acceptable answers, identifying successful members of the audiences who have answered the questions acceptably, storing

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the acceptable answers during an interval of time subsequent to a posing of the questions to the members of the audiences and entering the successful members of the audiences in a sweepstakes.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Hsia whose telephone number is (703) 305-4738.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.


S. Hsia/skf
October 18, 1994


James J. Grody
Supervisory Patent Examiner
Art Unit 262